



09-27-04

PATENT  
450100-0216561 AF  
2615IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Yoshizo MIHARA et al.  
Serial No. : 09/437,016  
For : DATA RECORDING AND/OR REPRODUCING  
APPARATUS  
Filed : November 9, 1999  
Examiner : James A. Fletcher  
Art Unit : 2615

**RECEIVED****SEP 29 2004****Technology Center 2600**745 Fifth Avenue  
New York, NY 10151EXPRESS MAILMailing Label Number: EV 206809091 USDate of Deposit: September 23, 2004

I hereby certify that this paper or fee is being deposited with the  
United States Postal Service "Express Mail Post Office to  
Addressee" Service under 37 CFR 1.10 on the date indicated above  
and is addressed to: **Mail Stop AF, Commissioner for Patents,**  
**P.O. Box 1450, Alexandria, VA 22313-1450.**

Sally Ann Homer

(Typed or printed name of person mailing paper or fee)

[Signature]

(Signature of person mailing paper or fee)

**NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND  
INTERFERENCES**

**Mail Stop AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from  
the Examiner's Decision, in the Final Office Action dated March 23, 2004, finally rejecting  
claims 1-9.

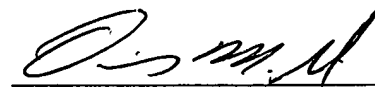
The item(s) checked below are appropriate:

- (1) ☒ This response is being filed within the third month following the expiration of the term originally set therefor. This is a petition to request a 3-month extension of time. A check covering the cost of the petition is enclosed.
- (2) ☒ Notice of Appeal Fee Under 37 C.F.R. §1.17(b): \$330.00  
☒ Enclosed  
☐ Not required (Fee paid in prior appeal)
- (3) ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.
- (4) ☒ An Oral Hearing is requested.

(Two additional copies of the Notice are enclosed herewith).

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:



Dennis M. Smid  
Reg. No. 34,930  
(212) 588-0800